



General Assembly

February Session, 2008

Substitute Bill No. 5790

* _____ HB05790GL _____ 030708 _____ *

AN ACT CONCERNING THE INTERNET AND PROTECTION OF CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) For purposes of sections
2 1 to 7, inclusive, of this act:

3 (1) "Child" means a person who is less than eighteen years of age.

4 (2) "Internet or any other computer network" means the computer
5 network commonly known as the Internet, including web sites or
6 domains, and any other local, regional or global computer network
7 that is similar to or is a predecessor or successor of the Internet.

8 (3) "Internet access provider" means an entity that provides
9 consumers with public access to the Internet.

10 (4) "Interactive computer service" means any information service,
11 system, or access software provider that provides or enables computer
12 access by multiple users to a computer server, including, but not
13 limited to, a service or system that provides access to the Internet and
14 such systems operated or services offered by libraries or educational
15 institutions.

16 (5) "Subscriber" means a consumer of an Internet access provider.

17 (6) "Order" means a legal process for the release of information,
18 including, but not limited to, a subpoena, court order, search warrant,
19 or summons.

20 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) If an Internet access
21 provider knows or has reason to know from registration data in its
22 possession that a subscriber currently resides within this state, the
23 provider shall make available to the subscriber a product or service
24 which enables the subscriber to control a child's use of the Internet.
25 Such product or service shall, in a commercially reasonable manner,
26 enable the subscriber to:

27 (1) Block a child's access to specific web sites or domains;

28 (2) Restrict a child's access exclusively to specific web sites or
29 domains approved by the subscriber; and

30 (3) Allow the subscriber to monitor a child's use of the Internet
31 service by providing a report to the subscriber of the specific web sites
32 or domains that the child has visited or has attempted to visit but
33 could not access because the web sites or domains were blocked or
34 restricted by the subscriber.

35 (b) If a product or service described in this subsection is reasonably
36 and commercially available for the technology utilized by the
37 subscriber to access the Internet service, the provider of the Internet
38 service:

39 (1) Shall provide to the subscriber, at or near the time of
40 subscription, notice of the availability of such product or service; and

41 (2) May make such product or service available to the subscriber
42 either directly or through a third-party vendor and may charge for
43 such product or service.

44 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) The Commissioner of
45 Education shall prepare model curricula for educating children
46 regarding online safety, taking into consideration the curricula on such

47 subject developed by the other states, as well as other relevant
48 materials suggested by education experts, child psychologists or
49 technology companies working on online child safety issues.

50 (b) Each local school district shall incorporate into its curriculum a
51 component on Internet safety to be taught at least once to students in
52 grade three or above.

53 (c) The Commissioner of Education shall provide to each school
54 district educational materials for parents regarding child online safety.

55 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) An interactive computer
56 service, upon the request of a law enforcement agency for an
57 investigation of a possible sex offense involving a child, as defined in
58 section 1 of this act, shall take reasonable steps to preserve records and
59 other evidence in its possession pending the issuance of an order or
60 other legal process. Such service shall comply with the request as soon
61 as possible following receipt.

62 (b) Records referred to in subsection (a) of this section shall be
63 retained for a period of ninety days, which shall be extended for an
64 additional ninety-day period upon a further request of the law
65 enforcement agency within the initial ninety-day period.

66 (c) An interactive computer service shall, within fifteen business
67 days after receiving an order, as defined in section 1 of this act,
68 relating to an investigation of a possible sex offense involving a child,
69 provide information identified in 18 USC Section 2703 that are in its
70 possession, except that if the interactive computer service
71 demonstrates to the requesting law enforcement agency that, for bona
72 fide technical or operational reasons, it cannot comply with the order
73 within fifteen business days of the request, it shall make every
74 reasonable effort to comply with the request as soon as reasonably
75 possible.

76 (d) In connection with any criminal investigation of a possible sex
77 offense involving a child that involves immediate danger of death or

78 serious bodily harm, a law enforcement agency may issue a request,
79 without an order, to a designated recipient of the interactive computer
80 service to disclose, consistent with 18 USC Sections 2702(b)(8) and
81 2702(c)(4), the information identified in this section. The interactive
82 computer service shall communicate with the requesting agency to
83 discuss the nature of the request and to coordinate an appropriate
84 response without delay.

85 (e) The provisions of this section shall be interpreted in a manner
86 consistent with the requirements of federal law that apply to providers
87 of an electronic communications service, including, but not limited to,
88 18 USC Section 2701, et seq. and 42 USC Section 13032.

89 Sec. 5. (NEW) (*Effective October 1, 2008*) An interactive computer
90 service doing business in this state that obtains knowledge of facts or
91 circumstances from which a violation of any law prohibiting child
92 pornography is apparent, shall make a report, as soon as reasonably
93 possible, of such facts or circumstances to the Cyber Tip Line at the
94 National Center for Missing and Exploited Children, consistent with
95 the requirements of 42 USC Section 13032.

96 Sec. 6. (NEW) (*Effective October 1, 2008*) (a) A person commits
97 Internet sexual exploitation of a child if such person, who is at least
98 four years older than a child who is under fifteen years of age,
99 knowingly requests or encourages the child through communication
100 via a computer network or system to: (1) Expose or touch the child's
101 own or another person's intimate parts while communicating with the
102 person via a computer network or system; or (2) observe the person's
103 intimate parts while communicating with the person via a computer
104 network or system.

105 (b) It shall not be an affirmative defense to this section that the child
106 was actually a law enforcement officer posing as a child under fifteen
107 years of age.

108 (c) Internet sexual exploitation of a child is a class C felony.

109 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) A person more than four
 110 years older than a child under fifteen years of age commits Internet
 111 luring of a child if the person knowingly communicates a statement
 112 over a computer or computer network to such child, describing sexual
 113 conduct, and, in connection with the communication, makes a
 114 statement persuading or inviting the child to meet the person for any
 115 purpose.

116 (b) It shall not be an affirmative defense to this section that: (1) A
 117 meeting did not occur; or (2) the child was actually a law enforcement
 118 officer posing as a child under fifteen years of age.

119 (c) Internet luring of a child is a class C felony, except that luring of
 120 a child is a class B felony if committed with the intent to meet the child
 121 for the purpose of engaging in sexual exploitation or sexual contact.

122 (d) For purposes of this section, "in connection with" means
 123 communications that further, advance, promote or have a continuity of
 124 purpose and may occur before, during or after the invitation to meet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	New section

GL *Joint Favorable Subst.*